

History of Marsh Park

By: Dale C. Maley

For: Speech at Marsh Park Re-Dedication after Reburbishment

Date: July 11, 2018

Fairbury was founded in 1857 when the Peoria & Oquawka Railroad laid its tracks through Central Illinois. John Marsh (1805-1885) and his son Henry Marsh (1834-1886) moved to Fairbury from Washington, Illinois, shortly after the city was founded.

The Marsh's created a new addition to Fairbury so additional homes could be built. As part of the Marsh Addition to Fairbury, they donated one city block to be developed into a park in 1859. In 1862, one mile west of Fairbury, the Marsh's dug down 180 feet and found coal. This set off a coal mining boom with Fairbury eventually having five coal mines.

John Marsh built his home at 200 North Jackson Street, at the southwest corner of Marsh Park. His home still stands today.

John Marsh also installed a fence around the park and planted trees in the park. He used it as a cow pasture. He did install turn-styles to allow public access to the park. John Marsh died in 1885 and his son Henry died in 1886. They are both buried in the Washington, Illinois, cemetery.

In 1896, John Marsh's wife sued the Village of Fairbury. She contended the village never improved the land into a park, and therefore ownership should return back to her. On November 9, 1896, the Illinois Supreme Court ruled ownership of the land would remain with the Village of Fairbury.

(163 Ill. 401)

**MARSH et al. v. VILLAGE OF FAIRBURY
et al.**

(Supreme Court of Illinois. Nov. 9, 1896.)

COMMON-LAW DEDICATION—RIGHTS OF GRANTOR—
EFFECT OF SUBSEQUENT INCORPORATION—PUR-
CHASE OF LOTS FROM PLAT—ESTOPPEL—ACCEPT-
ANCE OF DEDICATION—PUBLIC AND PRIVATE
RIGHTS—REVOCATION—DOWER.

1. In 1859 complainant's ancestor platted an addition to a then unincorporated town, and in such plat reserved one block as a public square. By the certificate, the streets, alleys, and the public square so reserved were dedicated to the use of the public forever. The statute in force at the time the plat was made required such

; plats to be acknowledged before a justice of the supreme court, a judge of the circuit court, or a justice of the peace; but the plat in question was not so acknowledged. *Held*, that the plat was nevertheless effective as a common-law dedication.

2. Under such dedication, the fee of the streets, alleys, and public square remained in the grantor, subject to the rights acquired by the public therein by virtue of such dedication.

3. Upon the incorporation of the town the rights acquired by the public under the dedication became vested in the municipality.

4. Subsequent to such dedication the grantor sold the lots so platted with reference to the plat, representing to purchasers that the plat and dedication were bona fide; and for the lots facing on the public square a higher price was asked and obtained. *Held*, that the purchaser of such lots thereby acquired a right appurtenant to their lots to have the streets and public square remain open to public use.

5. The right of the purchasers of such lots to have the square maintained as a public square was not affected by the failure of the municipality to formally accept the dedication.

6. The rights of the town and of the purchasers in the public square are sufficiently similar to entitle them to maintain a joint bill to prevent an invasion thereof by the heirs of the grantor.

7. The grantor built a fence around the public square thus dedicated, planted trees therein, and to some extent used it as a pasture. *Held* that, in view of the fact that he also maintained turnstiles, so as to leave the square open to the free use of the public, his acts could not be regarded as an open, notorious, and exclusive resumption of possession adverse to the public.

8. Upon a bill brought by the town and the purchasers of lots to prevent the heirs of the grantor from invading their rights in the streets and public square, the rights of the widow to dower therein cannot be adjudicated.

9. Neither the town nor the purchasers were bound by any agreement between the heirs and widow of the grantor, to which they were not parties, fixing the widow's rights of dower.

Appeal from circuit court, Livingston county; T. F. Tipton, Judge.

Bill for injunction and other relief, brought by the village of Fairbury and others against John L. Marsh, Jr., and others. From a decree for complainants, defendants appeal. Affirmed.

C. C. Strawn, for appellants. C. F. H. Carrithers and E. A. Agard, for appellees.

On November 13, 1896, the Blade ran this story about the court case.

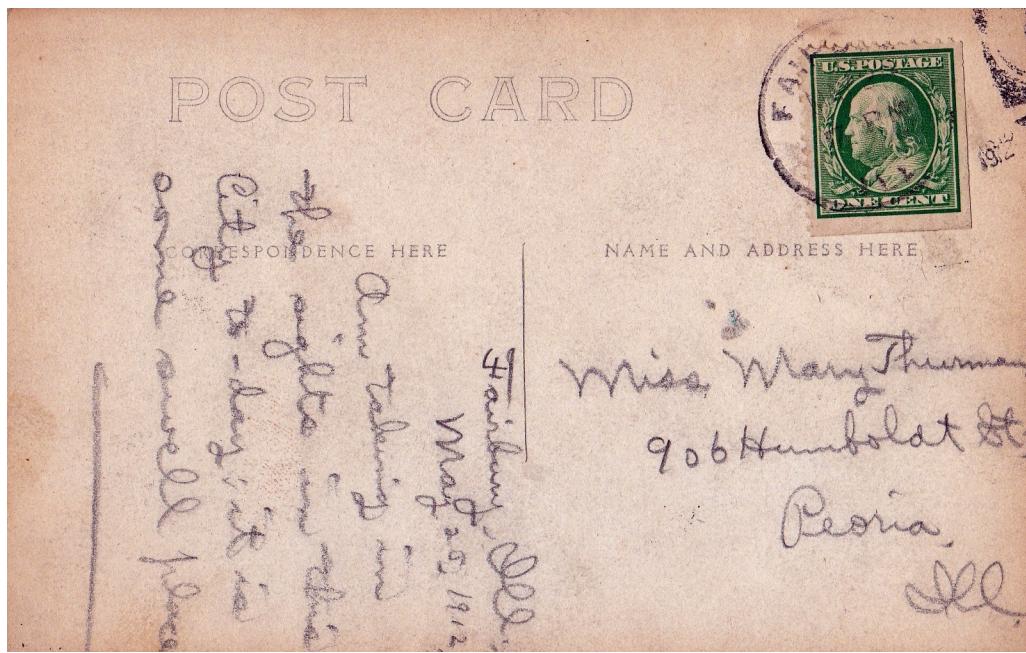
The Park Case Decided.

The Fairbury park case has been decided by the Supreme court in favor of the city whose title to the park is now undisputed. Attorney Carrithers who has conducted the case for the city is naturally pleased with the result. Strawn and Norton appeared for the other side.

We understand Mayor Dominy and several of the aldermen are in favor of improving the park and making it a pleasant place of resort.

This 1912 post card shows the condition of the park in that year.





An undated post card probably from the same era.





Another undated post card that shows the band stand of that era.



Marsh Park

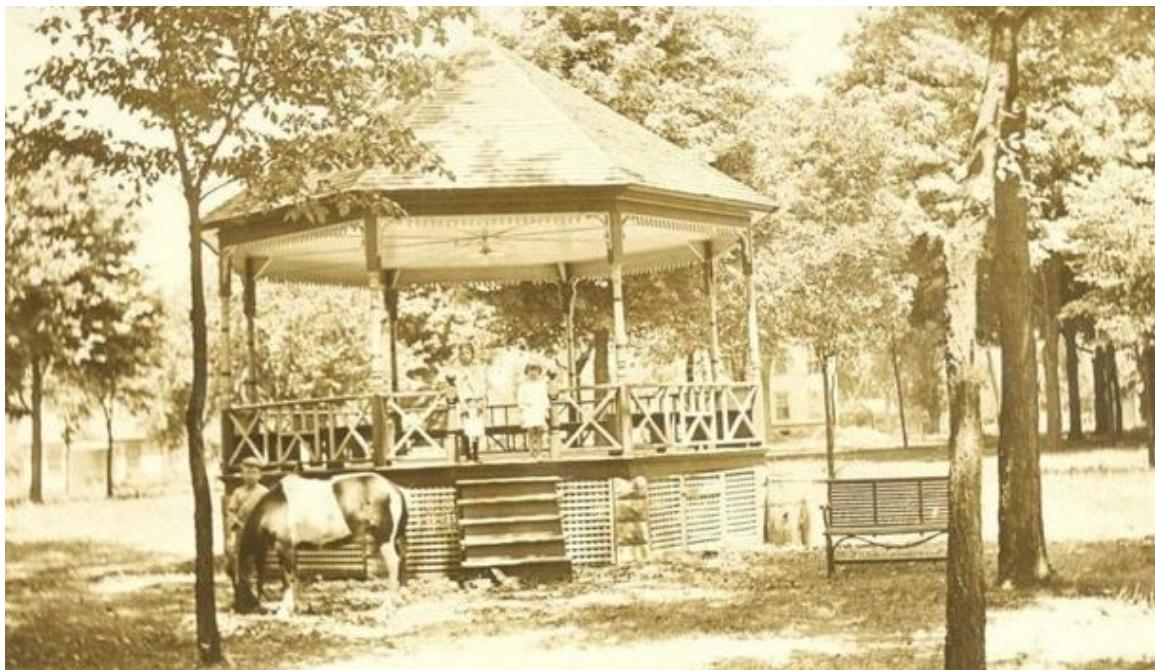
Fairbury's Marsh Park was the scene of many picnics and band concerts over the years.

CLOSE X

Another undated photo of Marsh Park.



Two other undated post card photos of Marsh Park estimated to be circa 1913.



MARSH'S PARK. - I.

FAIRBURY, ILL.



OC.

A View in the Park, Fairbury, Ill. 16652

About 1903, the city started to develop the land into a city park. In an August 18, 1928, Pantagraph story shown below, the article noted the first actions were taken 25 years before when a band stand was constructed. Twenty-five years before the 1928 article would have been about 1903.

Further research found a June 26, 1903, Blade article, which describes the dedication of the new band stand at Marsh Park.

Band Concert Next Wednesday.
Next Wednesday evening the new band stand in the city park in the west end will be dedicated and Mayor Agard will present it to the people. The Fairbury band will give a free concert lasting about an hour and every body is cordially invited to be present. The ground was presented to the city by John L. Marsh, Sr., almost 40 years ago and during his life he looked after it. It has become a valuable piece of property and the present city council have been pushing the improvement of the park. It will be a beautiful park with little improvement and its improvement will be appreciated by the people. Don't forget the band concert next Wednesday evening and bring your children with you.

The 5/24/1912 Blade article describes the condition of Marsh Park on that date.

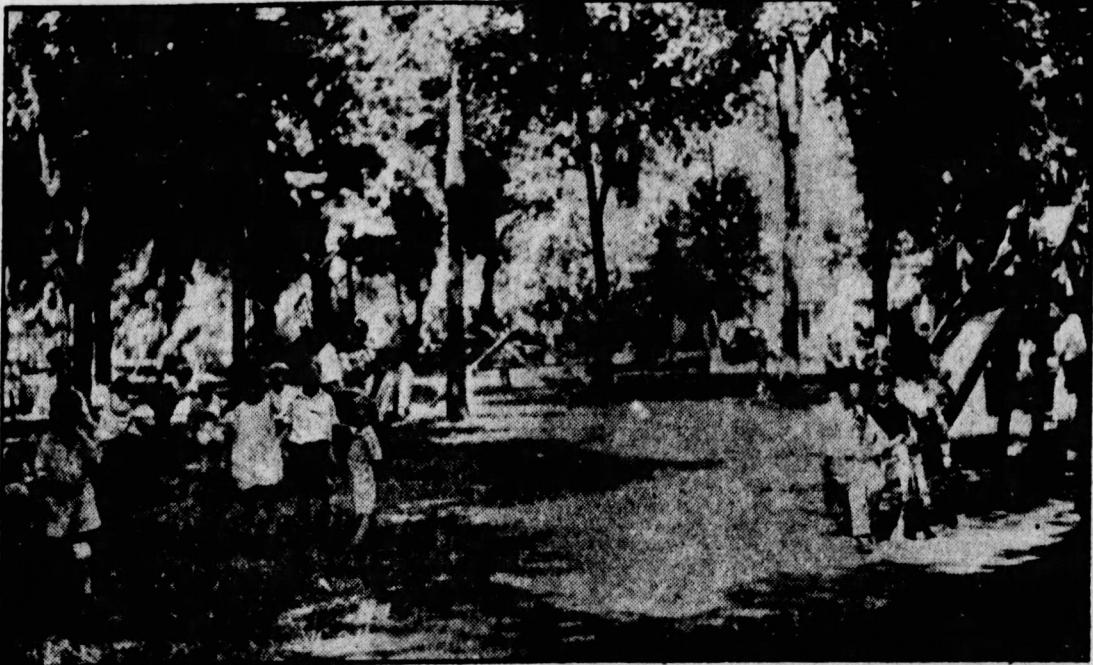
Park Looking Fine.

Custodian G. B. Gordon of Marsh park has that woodland pleasure spot looking at its best. This week he had the park seats and swings placed therein, the croquet grounds put in shape and there is both rest and recreation for those who desire to go there. It is a beautiful park and the people of Fairbury should take pride in it. It belongs to the people and the city council could make it of even more use to the people by placing a fountain therein and building walls around the east, north and west sides.

The Pantagraph ran an August 18, 1928, story about Fairbury's Marsh Park.

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Park Playground Is One of Fairbury's Beauty Spots



Staff Photo.

Marsh Park at Fairbury, One of the Community's Beauty Spots.

(Special to The Daily Pantagraph.)

FAIRBURY, Aug. 17.—Marsh park is being put to good use as a playground. The park was donated John L. Marsh, one of the early settlers of Fairbury. He came to Fairbury from Washington, Ill., in 1861, bought several hundred acres of land and laid out an addition to the town called Marsh's addition. At that time all of the town lay west of Third street.

Many trees were set out in the park by Mr. Marsh and he had hoped the town would center around this plot. However for many years the town made no attempt to main-

tain the park and Mr. Marsh used it as a pasture. About 25 years ago the city built a bandstand there and later purchased playground equipment, swings, teeters, and slides. Women's clubs of the town cooperated and built a drinking fountain there about 15 years ago. Later the women sponsored laying out of tennis courts.

Mr. and Mrs. Herbert Powell have given net and backstops for a new tennis court to be built on the east side. A sand pile is another late acquisition. An outdoor oven, donated by the Fairbury Woman's club, was installed Wednesday. Funds for this oven and installation

were obtained from conducting a stand on concert nights. Cooperation was given by the young ladies who use the tennis courts.

Mr. Marsh was somewhat of a geologist and believed coal was underground at Fairbury. After having his belief verified by a practical geologist, he sunk the first coal shaft near Fairbury, one and one-half miles west of town in 1861. The home of Mr. Marsh is still standing just west of the park and is now owned by Jacob Kalser. Mrs. Remington of Fairbury is a step-daughter of Mr. Marsh. Mrs. Alene Heckman, wife of the Fairbury mayor is a step-daughter.

The Blade ran a story on August 19, 1932, about the band playing at Marsh Park.

BAND CONCERT, MARSH PARK.

Concert program for August 23 by the Fairbury high school band, under the leadership of E. L. Meeker:

March, Loyalty Day Parade	Rosenkranz
March, Invercargill	Lithgow
Overture, Premier	Lossey
March, Colonel Miner	Rosenkranz
Overture, Spick and Span	Jewell
March, On the Mall	Goldman
March, U. S. Field Artillery	Sousa
Intermission.	
March, Glory of the Gridiron	Alford
Overture, Revelry	Jewell
Special Number, Selected	
Overture, Alda	McCaughay
March, Salutation	Seitz
March, Queen City	Boorn
March, Illinois Loyalty	Guild
Star Spangled Banner	Key

Meeker's all-star high school band plays in Peoria August 24, at a band picnic given by Byerly Bros. Music Co., dealers in Conn band instruments. Several bands are taking part in the picnic including Joliet high school band, U. S. championship band. Parade of bands at 9:30, massed band concert at 11. Picnic dinner at 12. Meeker's all-star band will broadcast at 1 p. m.

The article below ran in the August 6, 1953, Blade.

City to Repair Marsh Park Band Stand

Band Stand First Erected 50 Years Ago This Month

or, at least the top part of it, was torn down this week, after it was found that the wood was decayed and too dangerous to be left standing. Band concerts had not been held in it for many years.

The bandstand was erected just 50 years ago, it being dedicated on the evening of July 1, 1903. At the dedication ceremonies the late E. A. Agard, who was then mayor, gave the dedicatory address and the Fairbury band played a concert. For several years concerts were held in Marsh park, but for many years past they have been held in Central park.

It was a number of years after the bandstand was built that rest rooms were installed in it. These will be retained. Some two or three layers of cement blocks will be added to the walls and a new roof put over the rest rooms. With the raising of the roof, the city will also raise the floor in the rest rooms. Heretofore when it rained the water ran into the rest rooms. The raising of the floor should eliminate this.

In 1956, the Lions club was formed in Fairbury. The June 17, 2007, Pantagraph ran a story about the Fairbury Lions Club, and their donation of the shelters at Marsh Park.

B2 • Pantagraph • Sunday, June 17, 2007

Fairbury Lions Club ready for 50th anniversary event

By **Dave Tompkins**
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FAIRBURY — Amid the city's sesquicentennial celebration, the Fairbury Lions Club will hold its own celebration. The civic club will celebrate its 50th anniversary today with a lunch at the VFW.

The festivities will feature speeches from Mayor Robert Walter and district governor Ed Maeder of Dwight, and installation of officers. Founding member Darol Johnston is expected to attend.

"We started with a group of

people who were interested in helping people and were active from the start," said Johnston. "We're still here because we're still interested in helping."

Johnston and inaugural president Leland Rolf are the only surviving members still active in the organization. Rolf has moved to Montgomery, Ala., where he is a member of a local chapter.

The Forrest Lions Club sponsored the club, which was chartered in November 1956 with 34 members. One of its first projects was erecting picnic shelters in Marsh Park and North

Park. The shelters were donated to the city and are still used today.

Throughout the years, the club has provided assistance for the visually and hearing impaired, and has donated to local, county and state organizations including Boy Scout Troop 1870, Boys and Girls Club of Prairie Central and the Dominy Library.

Selling light bulbs, brooms

The club began raising money by selling light bulbs and brooms, abandoning that when they began their popular chili

and oyster feast 45 years ago.

The supper is a traditional part of the town's Christmas celebration.

The club also raises money through September Candy Day sales and May Tootsie Pop sales. In addition to donating to local causes, the money helps the club provide a hearing screening each June and glaucoma screening in July.

"We've been active all these years because of our dedicated members," said former President Daryl Tinges. "We're proud to be able to serve the community."

Fairbury Park Is Visited By 7,500 In Past Season

FAIRBURY — (PNS) — William Cres, custodian of Marsh Park in Fairbury, estimates that 7,500 persons used the park for picnics and reunions during the 1956 season.

He already has taken reservations for eight reunions for the 1957 season.

Calling the park an ideal place to hold reunions or picnics, he said it is well-equipped with large tables, an outside stove, rest-rooms and several pieces of play equipment for children.

7,485 Use Marsh Park During Season

A total of 7,485 persons used Marsh Park for picnics and reunions during the 1956 season, according to William Crews, custodian.

There have already been eight reunions booked for next year. Motorists stopped and rested from Ohio, Indiana, California, Alabama, Georgia, Michigan, and New Mexico.

1960 photo of peggy dameron and friends



Photo below of Mrs. Butler taken July 1, 1961



Monday rites for local woman, Mrs. Butler, 78

Mrs. Pernie D. Butler, 78, 404 W. Ash St., Fairbury, died at 3:15 a.m. Saturday, Nov. 29, Fairbury hospital.

The funeral was Monday at the Duffy-Pils Memorial home with Rev. Prosper Tourneau officiating. Burial was in Graceland cemetery.

Mrs. Butler was born Nov. 24, 1902, in Somer Shade, Ky., a daughter of Elvin and Iva (Williams) Harvey. She married Elmer T. Butler on Jan. 29, 1924, in Bloomington. He died June 7, 1977.

She had lived in the Fairbury area for 50 years. For the past 25 years she was custodian of Marsh Park.

She was a member of the Fairbury United Methodist church.

Survivors include two sons, Herschel of Bloomington and Harold of Fairbury; three sisters, Mary Holsclaw of Fairbury, Clara Weerts of Cissna Park, and Ruth Brown of Angola, Ind.; 8 grandchildren and three great grandchildren.

She was preceded in death by four brothers, one sister, one son and two grandchildren.

The family suggests memorials to the Retarded Children's foundation.

Above article is 1980.

photo below is circa 1974.....

LIFE IS A JOURNEY— SENIORS MAP OUT FUTURES.



We are going—
Heaven knows where we are going—
We'll know we're there.

We will get there—
Heaven knows how we will get there—
We know we will.

It will be hard—we know—
And the road will be muddy and rough,
but we'll get there—
Heaven knows how we will get there.

We know we will.

—Sol Amarfio and Osibisa



Senior Class Officers: S. Haerr, Treasurer; J. Huber, Vice President; B. Nussbaum, President; D. Hulse, Secretary.

Circa 1992. Jacob and Stacy Maley enjoy a cold drink from the Marsh Park water fountain.



Per the October 2, 1996, Blade, the large basketball court was installed by David Surber and other Fairbury volunteers.

Letters to the editor

The Parks and Recreation Committee (P.A.R.C) would like to recognize several individuals and businesses for their important contributions to the completion of the new basketball court in Fairbury's Marsh Park. After two years of planning and work, this community project is now completed. David Surber co-ordinated the efforts of the following individuals and groups: Jeff Kilgus, Indian Creek Materials; Steve Crews, Kevin Killian and Larry Killian, Crews & Killian Concrete Construction; Jim Kafer, Koehl Brothers; Rip Van Winkle; Josh and Ben Kafer, Kafer Tiling and Ditching; Don Faw and City employees Dave Buchanan, Mark Runyon, Mike Bailey, John Shilts and Craig Simmons.

The project became a reality with the endorsement and support of Fairbury Mayor Lyna Dameron and the Fairbury City Council Aldermen. P.A.R.C. members co-ordinated the project and are pleased with the level of community spirit displayed by all who gave of their time, energy and other resources to bring the project to fruition.

The members of P.A.R.C. appreciate having the opportunity to create this new recreation area in Marsh Park for the enjoyment of all of Fairbury's citizens.

Sincerely,
Joan Steidinger, President
Kathleen M. Durham, P.A.R.C., Secretary

In 2017, the entire park was renovated by local Fairbury volunteers. Funding was provided by the City of Fairbury and Prairie Lands Foundation.

The old welcome sign was replaced. The remnants of the drinking fountain were removed. The restrooms were completed renovated and updated to ADA compliance. A new drinking fountain was installed on the north side of the restroom. The south and west pavilions were repaired and repainted. A new 22 foot wide two-story gazebo was built. The City of Fairbury crew poured over 1100 feet of new sidewalk. A new bandstand was built and the north pavilion was screened in. New light poles were installed through-out the park. Playground equipment was consolidated into one wood-mulched area.

Timeline

- 1857 Fairbury founded.
- 1859 John Marsh donates one city block to Village of Fairbury to be used as a public park. He builds his residence at 200 North Jackson Street at southwest corner of park. He plants trees and installs a fence around the park with turn-styles and uses it as a pasture for his cows. He takes care of the park.
- 1896 Widow of John Marsh sues Village of Fairbury wanting ownership of the park to return to her. Case goes all the way to the Illinois Supreme Court. Ownership is retained by the Village of Fairbury.
- 1903 Village of Fairbury makes its first improvement to the park by constructing a band stand. Restrooms were located in the ground below the band stand.
- 1912 Park seats, swings, and croquet grounds installed.
- 1913 Drinking fountain added.
- 1928 Park included band stand, park seats, swings, croquet grounds, tennis courts, teeter-totter, and slides.
- 1953 Original 1903 band stand converted into restrooms.
- 1956 Over 7,500 people visit the park. Many family reunions and band concerts. Horse shoe pitching was also a popular pastime.
- 1957 Lions Club built 3 pavilions.

1996 David Surber and other volunteers added large basketball court.

2017 Completed park renovation including ADA compliant restrooms, new gazebo, new band stand, conversion of north pavilion to a screened-in facility, new park benches, new pole lighting.

Sometime after 1953, a new band stand was built in the southeast corner of Marsh Park. It was torn down circa late 1960's or early 1970's. I could not find any Blade article about the building or tearing down of this band stand.